

Application granted in that Plaintiff is directed to confer with Defendant's counsel before sending any more motions or letter motions to the Court. Defendant's counsel is directed to respond in writing to Plaintiff's letters at docket numbers 24, 25, 28 [REDACTED], no later than Feb. 13, 2018. Those issues will be discussed during the March 1 conference.



SO ORDERED:

Lisa Margaret Smith
Hon. Lisa Margaret Smith
U.S.M.J.

January 30, 2018

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

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January 29, 2018

Via ECF

Honorable Lisa M. Smith
United States Magistrate Judge
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Re: Culbreath v. Griffin, 17 Civ. 3406 (KMK)(LMS)

Dear Judge Smith:

This Office represents defendants Griffin, Tokarz, and Nagy ("defendants") in the above-captioned *pro se* matter. I write, in response to plaintiff's filings with the Court for order compel defendants to provide him with discovery. (Dkt. Nos. 24 and 25). Plaintiff's "motions" are procedurally deficient in that plaintiff failed to follow the procedures set forth in Your Honor's Individual Practices Rule 2, which requires the parties follow Local Civil Rule 37.2 prior to making any motion for discovery. Given plaintiff's *pro se* status, we interpret plaintiff's "motions" to be a request for a discovery conference, unless the Court directs otherwise. On January 16, 2018, when I attempted to discuss some of the issues raised in plaintiff's motion with him, plaintiff informed me that he had already submitted the instant motions to the Court. The Court should direct plaintiff to confer with defendants before filing any further motions. We believe that at least some of the matters raised in plaintiff's motions can be resolved with a short discussion. To the extent that the Court nonetheless elects to consider the merits of plaintiff's motions, defendants submit that they be given until February 13, 2018 to submit a response. Please note that the parties are scheduled to appear on March 1, 2018 for a status conference.

Respectfully Submitted,

/s/

Julinda Dawkins
Assistant Attorney General

cc: Jeffrey Culbreath, DIN 95B1028
Auburn Correctional Facility (via First Class Mail)